

REFERENCE TITLE: **fingerprint clearance cards**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2727

Introduced by
Representatives Hershberger, Bradley, Murphy, Senator Landrum Taylor:
Representatives Anderson, Barto, Burges, Campbell CH, DeSimone, McGuire,
Senators Gray L, Hale, Huppenthal, Rios, Soltero

AN ACT

**AMENDING SECTIONS 8-105, 8-509 AND 41-1758.03, ARIZONA REVISED STATUTES;
RELATING TO FINGERPRINT CLEARANCE CARDS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-105, Arizona Revised Statutes, is amended to
3 read:

4 8-105. Preadoption certification; investigation; central
5 adoption registry

6 A. Before any prospective adoptive parent may petition to adopt a
7 child the person shall be certified by the court as acceptable to adopt
8 children. A certificate shall be issued only after an investigation
9 conducted by an officer of the court, by an agency or by the division. A
10 written application for certification shall be made directly to the court, to
11 an agency or to the division, in the form and content required by the court,
12 agency or division.

13 B. The division is not required to accept every application for
14 certification. In determining which applications to accept the division may
15 give priority to applications filed by adult residents of this state who wish
16 to adopt a child who has any ~~of the~~ special needs ~~described~~ AS DEFINED in
17 section 8-141.

18 C. After receiving and accepting the written and completed application
19 of the prospective adoptive parent or parents, which shall include a
20 financial statement and a physician's or a registered nurse practitioner's
21 statement of each applicant's physical health, the division, the agency or an
22 officer of the court shall conduct or cause to be conducted an investigation
23 of the prospective adoptive parent or parents to determine if they are fit
24 and proper persons to adopt children.

25 D. The division shall not present for certification a prospective
26 adoptive parent unless that person has a valid fingerprint clearance card
27 issued pursuant to title 41, chapter 12, article 3.1 ~~or provides to the~~
28 ~~division documentation of the person's application for a fingerprint~~
29 ~~clearance card~~. The prospective adoptive parent must certify on forms that
30 are provided by the division and that are notarized whether the prospective
31 adoptive parent is awaiting trial on or has ever been convicted of any of the
32 criminal offenses listed in section 41-1758.03, subsections B and C in this
33 state or similar offenses in another state or jurisdiction.

34 E. An officer of the court may obtain a state and federal criminal
35 records check pursuant to section 41-1750 and Public Law 92-544. The
36 department of public safety may exchange this fingerprint data with the
37 federal bureau of investigation.

38 F. This investigation and report to the court shall consider all
39 relevant and material facts dealing with the prospective adoptive parents'
40 fitness to adopt children and shall include:

- 41 1. A complete social history.
- 42 2. The financial condition of the applicant.
- 43 3. The moral fitness of the applicant.
- 44 4. The religious background of the applicant.
- 45 5. The physical and mental health condition of the applicants.

1 6. Any court action for or adjudication of child abuse, abandonment of
2 children, dependency or termination of parent-child relationship in which the
3 applicant had control, care or custody of the child who was the subject of
4 the action.

5 7. Whether the person or persons wish to be placed on the central
6 registry established in subsection M of this section.

7 8. All other facts bearing on the issue of the fitness of the
8 prospective adoptive parents that the court, agency or division may deem
9 relevant.

10 G. The investigator shall not reveal to the prospective adoptive
11 parents the identity of a child or the child's parent or parents and shall
12 not reveal to the child or the child's parent or parents the identity of the
13 prospective adoptive parents if these facts are not already known.

14 H. Within ninety days after the original application prescribed by
15 subsection A of this section has been accepted, the division or the agency or
16 a person or agency designated by the court to conduct an investigation shall
17 present to the juvenile court the written report required by subsection F of
18 this section, which shall include a definite recommendation for certifying
19 the applicant as being acceptable or nonacceptable to adopt children ~~with~~ AND
20 the reasons for the recommendation.

21 I. Within sixty days after receiving the investigation report required
22 by subsections F and H of this section, the court shall certify the applicant
23 as being acceptable or nonacceptable to adopt children based on the
24 investigation report and recommendations of the report. A certification
25 remains in effect for eighteen months from the date of its issuance and may
26 be extended for additional one year periods if after review the court finds
27 that there have been no material changes in circumstances that would
28 adversely affect the acceptability of the applicant to adopt.

29 J. The court may require additional investigation if it finds that
30 additional information is necessary on which to make an appropriate decision
31 regarding certification.

32 K. Any applicant who has been certified as nonacceptable may petition
33 the court to review such certification. Notice shall be given to all
34 interested parties and the matter shall be heard by the court, which may
35 affirm or reverse the certification.

36 L. If the applicant is certified as nonacceptable, the applicant may
37 not reapply for certification to the court, to any agency or to the division
38 for one year.

39 M. The division shall maintain a central adoption registry that
40 includes the names of all prospective adoptive parents currently certified by
41 the court as acceptable to adopt children, except those who request that
42 their names not be included, the names of all children who are under the
43 jurisdiction of the division and who are currently available for adoption,
44 the names of any other children who are currently available for adoption and
45 whose names are voluntarily entered in the registry by any agency, parent or

1 other person that has the right to give consent to the child's adoption, and
2 other information as the division may elect to include in aid of adoptive
3 placements. Access to information in the registry shall be made available on
4 request to any agency under assurances as the division may require that the
5 information sought is in furtherance of adoptive placements and that
6 confidentiality of the information is preserved.

7 N. This section does not apply if:

8 1. The prospective adoptive parent is the spouse of the birth or legal
9 parent of the child to be adopted or is an uncle, aunt, adult sibling,
10 grandparent or great-grandparent of the child of the whole or half-blood or
11 by marriage or adoption.

12 2. The birth or legal parent is deceased but at the time of death the
13 parent had legal and physical custody of the child to be adopted and the
14 child had resided primarily with the spouse of the birth or legal parent
15 during the twenty-four months before the death of the parent.

16 3. The grandparent, great-grandparent, aunt, adult sibling or uncle is
17 deceased but at the time of death that person had legal and physical custody
18 of the child to be adopted and the child had resided primarily with the
19 spouse of the grandparent, great-grandparent, aunt, adult sibling or uncle
20 during the twenty-four months before the death of the grandparent,
21 great-grandparent, aunt, adult sibling or uncle.

22 0. If the applicant has adopted a child within three years preceding
23 the current application and is applying to adopt another child or is a foster
24 parent who is licensed by this state, the division or agency or a person
25 designated by the court to conduct an investigation shall only provide an
26 update report on any changes in circumstances that have occurred since the
27 previous certification or licensing report. If the applicant has adopted a
28 child more than three years before the current application and is applying to
29 adopt another child, the division or agency or a person designated by the
30 court to conduct an investigation may provide an updated report on any
31 changes in circumstances that have occurred since the previous certification
32 or licensing report. The court shall certify the applicant as acceptable to
33 adopt unless there are changes in circumstances that adversely affect the
34 applicant's parenting ability. In making this determination, the court shall
35 consider information from the prior certification or licensing report.

36 Sec. 2. Section 8-509, Arizona Revised Statutes, is amended to read:

37 8-509. Licensing of foster homes; renewal of license;
38 provisional license

39 A. The division shall license and certify foster homes. Licenses are
40 valid for a period of one year.

41 B. The division shall not issue a license without satisfactory proof
42 that the foster parent or parents have completed six actual hours of approved
43 initial foster parent training as set forth in section 8-503 and that each
44 foster parent and each other adult member of the household has a valid
45 fingerprint clearance card issued pursuant to title 41, chapter 12, article

1 3.1 ~~or provides to the division documentation of the person's application for~~
2 ~~a fingerprint clearance card.~~ The foster parent and each other adult member
3 of the household must certify on forms that are provided by the division and
4 that are notarized whether the foster parent or other adult member of the
5 household is awaiting trial on or has ever been convicted of any of the
6 criminal offenses listed in section 41-1758.03, subsections B and C in this
7 state or similar offenses in another state or jurisdiction.

8 C. The division shall not renew a license without satisfactory proof
9 that the foster parent or parents have completed six actual hours of approved
10 ongoing foster parent training as set forth in section 8-503.

11 D. Notwithstanding the requirements of subsections B and C of this
12 section, if the division determines a condition of hardship to the foster
13 parent or parents, the division may issue a provisional license for a period
14 not to exceed six months. A provisional license may not be renewed.

15 E. Child welfare agencies that submit foster homes for licensing shall
16 conduct an investigation of the foster home pursuant to licensing rules of
17 the division. The division shall conduct investigations of all other foster
18 homes. If the foster home meets all requirements set by the division, the
19 agency shall submit an application stating the foster home's qualifications
20 to the division. The agency may also recommend the types of licensing and
21 certification to be granted to the foster home.

22 F. The division shall accept an adoptive home certification study as a
23 licensing home study if the study has been updated within the past three
24 months to include the information necessary to determine whether the home
25 meets foster care licensing standards.

26 G. This section shall not apply when the child is placed in a home by
27 a means other than by court order and when the home receives no compensation
28 from the state or any political subdivision of the state.

29 H. The division shall not prohibit a person operating a licensed
30 foster home from applying for or receiving compensation as a foster home
31 parent due to employment with the state of Arizona.

32 Sec. 3. Section 41-1758.03, Arizona Revised Statutes, is amended to
33 read:

34 41-1758.03. Fingerprint clearance cards; issuance; immunity

35 A. On receiving the state and federal criminal history record of a
36 person, the division shall compare the record with the list of criminal
37 offenses that preclude the person from receiving a fingerprint clearance
38 card. If the person's criminal history record does not contain any of the
39 offenses listed in subsections B and C of this section, the division shall
40 issue the person a fingerprint clearance card.

41 B. A person who is subject to registration as a sex offender in this
42 state or any other jurisdiction or who is awaiting trial on or who has been
43 convicted of committing or attempting, soliciting, facilitating or conspiring
44 to commit one or more of the following offenses in this state or the same or

1 similar offenses in another state or jurisdiction is precluded from receiving
2 a fingerprint clearance card:

- 3 1. Sexual abuse of a vulnerable adult.
- 4 2. Incest.
- 5 3. HOMICIDE, INCLUDING first or second degree murder, MANSLAUGHTER AND
6 NEGLIGENT HOMICIDE.
- 7 4. Sexual assault.
- 8 5. Sexual exploitation of a minor.
- 9 6. Sexual exploitation of a vulnerable adult.
- 10 7. Commercial sexual exploitation of a minor.
- 11 8. Commercial sexual exploitation of a vulnerable adult.
- 12 9. Child prostitution as prescribed in section 13-3212.
- 13 10. Child abuse.
- 14 11. FELONY CHILD NEGLECT.
- 15 ~~11.~~ 12. Abuse of a vulnerable adult.
- 16 ~~12.~~ 13. Sexual conduct with a minor.
- 17 ~~13.~~ 14. Molestation of a child.
- 18 ~~14.~~ 15. Molestation of a vulnerable adult.
- 19 ~~15.~~ 16. ~~A~~ Dangerous ~~crime~~ CRIMES against children as defined in
20 section 13-604.01.
- 21 ~~16.~~ 17. Exploitation of minors involving drug offenses.
- 22 ~~17.~~ 18. Taking a child for the purposes of prostitution as prescribed
23 in section 13-3206.
- 24 ~~18.~~ 19. Neglect or abuse of a vulnerable adult.
- 25 ~~19.~~ 20. Sex trafficking.
- 26 ~~20.~~ 21. Sexual abuse.
- 27 ~~21.~~ 22. Production, publication, sale, possession and presentation of
28 obscene items as prescribed in section 13-3502.
- 29 ~~22.~~ 23. Furnishing harmful items to minors as prescribed in section
30 13-3506.
- 31 ~~23.~~ 24. Furnishing harmful items to minors by internet activity as
32 prescribed in section 13-3506.01.
- 33 ~~24.~~ 25. Obscene or indecent telephone communications to minors for
34 commercial purposes as prescribed in section 13-3512.
- 35 ~~25.~~ 26. Luring a minor for sexual exploitation.
- 36 ~~26.~~ 27. Enticement of persons for purposes of prostitution.
- 37 ~~27.~~ 28. Procurement by false pretenses of person for purposes of
38 prostitution.
- 39 ~~28.~~ 29. Procuring or placing persons in a house of prostitution.
- 40 ~~29.~~ 30. Receiving earnings of a prostitute.
- 41 ~~30.~~ 31. Causing one's spouse to become a prostitute.
- 42 ~~31.~~ 32. Detention of persons in a house of prostitution for debt.
- 43 ~~32.~~ 33. Keeping or residing in a house of prostitution or employment
44 in prostitution.
- 45 ~~33.~~ 34. Pandering.

~~34.~~ 35. Transporting persons for the purpose of prostitution, polygamy and concubinage.

~~35.~~ 36. Portraying adult as a minor as prescribed in section 13-3555.

~~36.~~ 37. Admitting minors to public displays of sexual conduct as prescribed in section 13-3558.

38. ANY FELONY OFFENSE INVOLVING CONTRIBUTING TO THE DELINQUENCY OF A MINOR.

39. UNLAWFUL SALE OR PURCHASE OF CHILDREN.

40. CHILD BIGAMY.

41. ANY FELONY OFFENSE IN VIOLATION OF TITLE 13, CHAPTER 32 EXCEPT PROSTITUTION AS PRESCRIBED PURSUANT TO SECTION 13-3214.

42. ANY FELONY OFFENSE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION 13-3601.

43. ANY FELONY OFFENSE IN VIOLATION OF TITLE 13, CHAPTER 12 IF COMMITTED WITHIN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

44. FELONY DRUG OR ALCOHOL RELATED OFFENSES IF COMMITTED WITHIN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

45. KIDNAPPING.

46. FELONY INDECENT EXPOSURE.

47. FELONY PUBLIC SEXUAL INDECENCY.

48. ROBBERY, AGGRAVATED ROBBERY OR ARMED ROBBERY.

49. TERRORISM.

50. ANY OFFENSE INVOLVING A VIOLENT CRIME AS DEFINED IN SECTION 13-604.04.

51. FELONY PROSTITUTION IF COMMITTED WITHIN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

C. A person who is awaiting trial on or who has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit one or more of the following offenses in this state or the same or similar offenses in another state or jurisdiction is precluded from receiving a fingerprint clearance card, except that the person may petition the board of fingerprinting for a good cause exception pursuant to section 41-619.55:

~~1. Manslaughter.~~

~~2. Endangerment.~~

~~3. Threatening or intimidating.~~

~~4. Assault.~~

~~5. Unlawfully administering intoxicating liquors, narcotic drugs or dangerous drugs.~~

~~6. Assault by vicious animals.~~

~~7. Drive by shooting.~~

~~8. Assaults on officers or fire fighters.~~

~~9. Discharging a firearm at a structure.~~

1. ANY MISDEMEANOR ASSAULT IN VIOLATION OF TITLE 13, CHAPTER 12.

1 ~~10.~~ 2. MISDEMEANOR indecent exposure.
2 ~~11.~~ 3. MISDEMEANOR public sexual indecency.
3 ~~12.~~ 4. Aggravated criminal damage.
4 ~~13.~~ 5. Theft.
5 ~~14.~~ 6. Theft by extortion.
6 ~~15.~~ 7. Shoplifting.
7 ~~16.~~ 8. Forgery.
8 ~~17.~~ 9. Criminal possession of a forgery device.
9 ~~18.~~ 10. Obtaining a signature by deception.
10 ~~19.~~ 11. Criminal impersonation.
11 ~~20.~~ 12. Theft of a credit card or obtaining a credit card by
12 fraudulent means.
13 ~~21.~~ 13. Receipt of anything of value obtained by fraudulent use of a
14 credit card.
15 ~~22.~~ 14. Forgery of a credit card.
16 ~~23.~~ 15. Fraudulent use of a credit card.
17 ~~24.~~ 16. Possession of any machinery, plate or other contrivance or
18 incomplete credit card.
19 ~~25.~~ 17. False statement as to financial condition or identity to
20 obtain a credit card.
21 ~~26.~~ 18. Fraud by persons authorized to provide goods or services.
22 ~~27.~~ 19. Credit card transaction record theft.
23 ~~28.~~ 20. Misconduct involving weapons.
24 ~~29.~~ 21. Misconduct involving explosives.
25 ~~30.~~ 22. Depositing explosives.
26 ~~31.~~ 23. Misconduct involving simulated explosive devices.
27 ~~32.~~ 24. Concealed weapon violation.
28 ~~33.~~ 25. MISDEMEANOR possession and MISDEMEANOR sale of peyote.
29 26. FELONY POSSESSION AND FELONY SALE OF PEYOTE IF COMMITTED MORE THAN
30 FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.
31 ~~34.~~ 27. MISDEMEANOR possession and MISDEMEANOR sale of a
32 vapor-releasing substance containing a toxic substance.
33 28. FELONY POSSESSION AND FELONY SALE OF A VAPOR-RELEASING SUBSTANCE
34 CONTAINING A TOXIC SUBSTANCE IF COMMITTED MORE THAN FIVE YEARS BEFORE THE
35 DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.
36 ~~35.~~ 29. MISDEMEANOR sale of precursor chemicals.
37 30. FELONY SALE OF PRECURSOR CHEMICALS IF COMMITTED MORE THAN FIVE YEARS
38 BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.
39 ~~36.~~ 31. MISDEMEANOR possession, MISDEMEANOR use or MISDEMEANOR sale of
40 marijuana, dangerous drugs or narcotic drugs.
41 32. FELONY POSSESSION, FELONY USE OR FELONY SALE OF MARIJUANA,
42 DANGEROUS DRUGS OR NARCOTIC DRUGS IF COMMITTED MORE THAN FIVE YEARS BEFORE
43 THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.
44 ~~37.~~ 33. MISDEMEANOR manufacture or MISDEMEANOR distribution of an
45 imitation controlled substance.

34. FELONY MANUFACTURE OR FELONY DISTRIBUTION OF AN IMITATION CONTROLLED SUBSTANCE IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

~~38.~~ 35. MISDEMEANOR manufacture or MISDEMEANOR distribution of an imitation prescription-only drug.

36. FELONY MANUFACTURE OR FELONY DISTRIBUTION OF AN IMITATION PRESCRIPTION-ONLY DRUG IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

~~39.~~ 37. MISDEMEANOR manufacture or MISDEMEANOR distribution of an imitation over-the-counter drug.

38. FELONY MANUFACTURE OR FELONY DISTRIBUTION OF AN IMITATION OVER-THE-COUNTER DRUG IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

~~40.~~ 39. MISDEMEANOR possession or MISDEMEANOR possession with intent to use an imitation controlled substance.

40. FELONY POSSESSION OR FELONY POSSESSION WITH INTENT TO USE AN IMITATION CONTROLLED SUBSTANCE IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

41. MISDEMEANOR possession or MISDEMEANOR possession with intent to use an imitation prescription-only drug.

42. FELONY POSSESSION OR FELONY POSSESSION WITH INTENT TO USE AN IMITATION PRESCRIPTION-ONLY DRUG IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

~~42.~~ 43. MISDEMEANOR possession or MISDEMEANOR possession with intent to use an imitation over-the-counter drug.

44. FELONY POSSESSION OR FELONY POSSESSION WITH INTENT TO USE AN IMITATION OVER-THE-COUNTY DRUG IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

~~43.~~ 45. MISDEMEANOR manufacture of certain substances and drugs by certain means.

46. FELONY MANUFACTURE OF CERTAIN SUBSTANCES AND DRUGS BY CERTAIN MEANS IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

~~44.~~ 47. Adding poison or other harmful substance to food, drink or medicine.

~~45.~~ 48. A criminal offense involving criminal trespass and burglary under title 13, chapter 15.

~~46.~~ 49. A criminal offense under title 13, chapter 23.

~~47.~~ 50. MISDEMEANOR OFFENSES INVOLVING child neglect.

~~48.~~ 51. Misdemeanor offenses involving contributing to the delinquency of a minor.

~~49.~~ 52. MISDEMEANOR offenses involving domestic violence AS DEFINED IN SECTION 13-3601.

~~50.~~ 53. Arson.

~~51.~~ Kidnapping.

~~52.~~ 54. Felony offenses involving sale, distribution or transportation of, offer to sell, transport or distribute or conspiracy to sell, transport or distribute marijuana, dangerous drugs or narcotic drugs IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

~~53. Robbery.~~

~~54.~~ 55. FELONY aggravated assault IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

~~55. Felony offenses involving contributing to the delinquency of a minor.~~

~~56. Negligent homicide.~~

56. ANY MISDEMEANOR OFFENSE IN VIOLATION OF TITLE 13, CHAPTER 13.

57. Criminal damage.

58. Misappropriation of charter school monies as prescribed in section 13-1818.

59. Taking identity of another person or entity.

60. Aggravated taking identity of another person or entity.

61. Trafficking in the identity of another person or entity.

62. Cruelty to animals.

63. MISDEMEANOR prostitution.

64. FELONY PROSTITUTION IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

~~64.~~ 65. Sale or distribution of material harmful to minors through vending machines as prescribed in section 13-3513.

~~65.~~ 66. Welfare fraud.

67. ANY FELONY OFFENSE IN VIOLATION OF TITLE 13, CHAPTER 12 IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

68. FELONY DRUG OR ALCOHOL RELATED OFFENSES IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

69. A MISDEMEANOR DRUG RELATED OFFENSE.

D. A person who is awaiting trial on or who has been convicted of committing or attempting or conspiring to commit a violation of section 28-1381, 28-1382 or 28-1383 in this state or the same or similar offense in another state or jurisdiction within five years from the date of applying for a fingerprint clearance card is precluded from driving any vehicle to transport employees or clients of the employing agency as part of the person's employment. The division shall place a notation on the fingerprint clearance card that indicates this driving restriction. This subsection does not preclude a person from driving a vehicle alone as part of the person's employment.

E. Notwithstanding subsection C of this section, on receiving written notice from the board of fingerprinting that a good cause exception was granted pursuant to section 41-619.55, the division shall issue a fingerprint clearance card to the person.

1 F. If the division denies a person's application for a fingerprint
2 clearance card pursuant to subsection C of this section and a good cause
3 exception is requested pursuant to section 41-619.55, the division shall
4 release, on request by the board of fingerprinting, the person's criminal
5 history record to the board of fingerprinting.

6 G. A person shall be granted a fingerprint clearance card if either of
7 the following applies:

8 1. An agency granted a good cause exception before August 16, 1999 and
9 no new precluding offense is identified. The fingerprint clearance card
10 shall specify only the program that granted the good cause exception. On the
11 request of the applicant, the agency that granted the prior good cause
12 exception shall notify the division in writing of the date on which the prior
13 good cause exception was granted and the date of the conviction and the name
14 of the offense for which the good cause exception was granted.

15 2. The board granted a good cause exception and no new precluding
16 offense is identified. The fingerprint clearance card shall specify the
17 programs for which the board granted the good cause exception.

18 H. The licensee or contract provider shall assume the costs of
19 fingerprint checks and may charge these costs to persons required to be
20 fingerprinted.

21 I. A person who is under eighteen years of age or who is at least
22 ninety-nine years of age is exempt from the fingerprint clearance card
23 requirements of this section. At all times the person shall be under the
24 direct visual supervision of personnel who have valid fingerprint clearance
25 cards.

26 J. The division may conduct periodic state criminal history records
27 checks for the purpose of updating the clearance status of current
28 fingerprint clearance card holders and may notify the board of fingerprinting
29 and the agency employing the person of the results of the records check.

30 K. The division shall revoke a person's fingerprint clearance card on
31 receipt of a written request for revocation from the board of fingerprinting
32 pursuant to section 41-619.55.

33 L. The division shall not issue a fingerprint clearance card to a
34 person if the division cannot determine, within thirty business days after
35 receipt of the person's state and federal criminal history record
36 information, whether the person is awaiting trial on or has been convicted of
37 committing any of the offenses listed in subsection B or C of this section.
38 If the division is unable to make the determination required by this section
39 and does not issue a fingerprint clearance card to a person, the person may
40 request a good cause exception pursuant to section 41-619.55.

41 M. Except as provided in subsection N of this section, if after
42 conducting a state and federal criminal history record check the division
43 determines that it is not authorized to issue a fingerprint clearance card to
44 a person, the division shall notify the agency that licenses or employs the
45 person that the division is not authorized to issue a fingerprint clearance

1 card. This notice shall include the criminal history information on which
2 the denial was based. This criminal history information is subject to
3 dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

4 N. If, after conducting a state and federal criminal history record
5 check on a person who requests a fingerprint clearance card pursuant to
6 section 15-1881, the division determines that it is not authorized to issue a
7 fingerprint clearance card to the person, the division shall not notify the
8 agency. The division shall notify the person who requested the card that the
9 division is not authorized to issue a fingerprint clearance card.

10 0. The division is not liable for damages resulting from:

11 1. The issuance of a fingerprint clearance card to a person who is
12 later found to have been ineligible to receive a fingerprint clearance card
13 at the time the card was issued.

14 2. The denial of a fingerprint clearance card to a person who is later
15 found to have been eligible to receive a fingerprint clearance card at the
16 time issuance of the card was denied.

17 P. The issuance of a fingerprint clearance card does not entitle a
18 person to employment.